HOUSE No. 1386

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others for legislation to promote recycling in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Douglas W. Petersen Anthony J. Verga Timothy J. Toomey, Jr. Michael E. Festa

In the Year Two Thousand and Five.

AN ACT TO PROMOTE RECYCLING IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 2 of chapter 21H of the General Laws, as
- 2 appearing in the 1998 Official Edition, is hereby amended by
- 3 adding after the definition of "Landfill" the following defini-
- 4 tions:—
- 5 "Mercury-added waste product", a waste product to which the
- 6 manufacturer intentionally introduced mercury including, but not
- 7 limited to, button cell or mercuric oxide batteries, electric light
- 8 bulbs, thermostats, thermometers, automotive devices, electric
- 9 switches, appliances, medical or scientific instruments, electric
- 10 relays, or other electrical devices.
- "Multi-unit residential complex", a residential building or resi-
- 12 dential complex consisting of more than six separate residential
- 13 units.
- 1 SECTION 2. Chapter 21H of the General Laws, as appearing in
- 2 the 1998 Official Edition, is hereby amended by inserting after
- 3 section seven the following new sections:—
- 4 Section 7A. The department shall promulgate regulations estab-
- 5 lishing standards for recycling programs for all owners and opera-

6 tors of industrial, commercial, institutional and governmental 7 facilities and all multi-unit residential complexes, as defined in section two of this chapter. Such regulations and standards shall, at a minimum, require such owners and operators to provide for the collection of the following materials for the purpose of recycling such materials: aluminum containers, metal containers, glass containers, single polymer plastics, and recyclable paper. Such regulations and standards shall also require owners and operators of industrial, commercial, institutional and governmental facilities 14 and all multi-unit residential complexes, as defined in section two, to provide information to tenants and other building occupants regarding programs for the collection and recycling of the 17 following materials: lead batteries, mercury-added waste products, 19 tires, white goods, cathode ray tubes, leaves, and other yard waste. 20 The department shall make such information available to the owners and operators of such facilities through written education materials, one or more forms of electronic media and by establishing a toll-free telephone number.

24 All owners or operators of industrial, commercial, institutional 25 or governmental facilities or multi-unit residential complexes, as defined in section two, which are not being served by a municipal recycling program are encouraged to establish collection and recy-27 cling programs on their own or by creating partnerships with other entities. Such recycling programs shall, at a minimum, provide for 30 the collection of the following materials for the purpose of recycling such materials: aluminum containers, metal containers, glass 31 32 containers, single polymer plastics, and recyclable paper. Such programs shall also provide information to tenants and other building occupants regarding existing programs for the collection and recycling of the following materials: lead batteries, mercuryadded waste products, tires, white goods, cathode ray tubes, leaves, and other yard waste. In order to provide an incentive for owners and operators of industrial, commercial, and institutional 38 facilities and multi-unit residential complexes to establish their own recycling programs on a voluntary basis, monies from the Clean Environment Fund, as established in section 323F of 42 chapter 94 of the General Laws, shall be made available to such owners and operators who establish their own collection and recy-44 cling programs prior to January 1, 2005. Criteria for disbursing such monies shall be set forth in the regulations promulgated by the department pursuant to this section.

All owners or operators of industrial, commercial, institutional or governmental facilities or multi-unit residential complexes who dispose of any solid waste in the Commonwealth and have not established their own recycling programs meeting the criteria set forth in this section by January 1, 2005, shall be required to implement recycling programs in accordance with the regulations promulgated by the department no later than July 1, 2005.

promulgated by the department no later than July 1, 2005. 53 Section 7B. The department shall implement a comprehensive 54 program to reduce the generation of waste from the construction 55 and demolition of buildings. The department shall promulgate regulations to require the reduction of the generation of waste and increase recycling from the construction and demolition of build-59 ings, which shall include requirements for job-site separation of 60 debris, and a prohibition against the disposal in Massachusetts of 61 recyclable materials from building construction and demolition. 62 The department shall establish at least four permanent materials 63 exchange facilities where used building materials can be taken to 64 be reused, and shall establish materials exchange networks to 65 facilitate the reuse and recycling of building materials.

SECTION 3. Chapter 143 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section three Z the following new section:—

Section 3AA. Every newly constructed industrial, commercial, institutional, governmental or multi-unit residential complex, as defined in section two of chapter 21H of the General Laws, shall have adequate space for the temporary storage of recyclable solid waste materials, including, but not limited to, aluminum containers, metal containers, glass containers, single polymer plastics, and recyclable paper.

SECTION 4. Section 150A of Chapter 111 of the General Laws, as so appearing, is hereby amended by striking the defini-

3 tion of "facility" and inserting in place thereof the following:—

4 "Facility", a sanitary landfill, a refuse transfer station, a refuse

5 composting plant, a dumping ground for reuse or any other works

- 6 for treating, storing, or disposing of refuse but not including a 7 refuse incinerator or a resource recovery facility.
- 1 SECTION 5. Section 150A of Chapter 111 of the General
- 2 Laws, as so appearing, is hereby further amended by adding the
- 3 following after line 25 of said section:—
- No site in any city or town shall be assigned as a site for a
- 5 refuse incinerator or resource recovery facility, or as an expansion
- 6 thereof, unless said site assignment or expansion was in effect on
- 7 or before July first, two thousand. The department shall not grant
- 8 a permit for a refuse incinerator or resource recovery facility, or
- 9 for an expansion thereof, unless said permit was granted on or
- 10 before July first, two thousand.
- 1 SECTION 6. The department of environmental protection shall
- 2 prepare a report on the department's efforts to enforce the provi-
- 3 sions of 310 Code of Massachusetts Regulations (CMR) 19.017,
- 4 the so-called "waste bans". The report shall be submitted to the
- 5 clerks of the senate and the house and the joint committee on nat-
- 6 ural resources and agriculture no later than August 1, 2006.
- 1 SECTION 7. The department of environmental protection shall
- 2 promulgate regulations to implement section two of this act no
- 3 later than January 1, 2007.
- 1 SECTION 8. Section three of this act shall apply to all indus-
- 2 trial, commercial, institutional, and governmental buildings, or
- 3 multi-unit residential complexes, as defined in section two of
- 4 chapter 21H of the General Laws, where construction has com-
- 5 menced after the passage of this act.
- 1 SECTION 9. The department of environmental protection shall
- 2 prepare a report on the progress and success of the collection and
- 3 recycling programs established in section two of this act. The
- 4 report shall be submitted to the clerks of the senate and the house
- 5 and the joint committee on natural resources and agriculture no
- 6 later than July 1, 2006.

- 1 SECTION 10. A sum of \$5,000,000, to be provided in annual
- 2 increments of \$1,666,666 per year for three years, beginning in
- 3 the year immediately following the passage of this act, is provided
- 4 from the Clean Environment Fund, as established in section 323F
- 5 of chapter 94 of the General Laws, for the purpose of providing
- 6 financial incentives for the voluntary collection and recycling pro-
- 7 grams established pursuant to section two of this act.